

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AARON STRAND, KARL L. LINCK,
JUDY FISCHER, THOMAS J. SPAETH and JERRY D. KOLBE

Application No. 09/774,275



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 18, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

FINAL REJECTION

On April 22, 2005, a Final Rejection was mailed. The Final Rejection withdrew claim 116 from consideration (pg. 2).

EXAMINER'S ANSWER

35 U.S.C. 103(a) Rejection

On June 15, 2006, an Examiner's Answer was mailed. The Examiner's Answer included a rejection of Claim 116 under 35 U.S.C. 103(a) (see pg. 7). However, Claim 116 was withdrawn from consideration in the Final Rejection mailed April 22, 2005. Clarification is required.

Evidence Relied Upon

The Examiner's Answer includes a rejection of Claims 93-95, 113-115 and 146 under 35 U.S.C. 103(a) over Lingenfelter and Plourde "611 as applied to claims 75, 96 and 138 and further in view of Peppiatt '143. The Evidence Relied Upon (section 8) does not cite the Peppiatt reference. Correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) Vacating the Examiner's Answer mailed June 15, 2006;
- 2) Clarifying the status of Claim 116;

- 3) In the Evidence Relied Upon section, including all prior art references used to reject the claims; and
- 4) such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

C.P. Edgett for Dale Shaw
DALE M. SHAW
Deputy Chief Appeals Administrator
(703)308-9797

DMS/dpv

Reinhart, Boerner & Van Deuren, S.C.
Attn: Linda Kasulke, Docket Coordinator
1000 North Water Street
Suite 2100
Milwaukee, WI 53202